

House Bill 1508

By: Representatives Stephens of the 164<sup>th</sup>, Smith of the 13<sup>th</sup>, and Benton of the 31<sup>st</sup>

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 8-2-25 of the Official Code of Georgia Annotated, relating to state-wide application of minimum standard codes, so as to provide that the governing authority of any municipality or county in this state is authorized to exempt by ordinance or resolution compliance with the provisions contained in Section 17 of the International Building Code relating to earthquakes; provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 8-2-25 of the Official Code of Georgia Annotated, relating to state-wide application of minimum standard codes, is amended by striking paragraph (1) of subsection (c) and inserting in its place a new paragraph (1) of subsection (c) to read as follows:

"(c)(1) In the event that the governing authority of any municipality or county finds that the state minimum standard codes do not meet its needs, the local government may provide requirements not less stringent than those specified in the state minimum standard codes, except as provided in subsection (e) of this Code section, when such requirements are based on local climatic, geologic, topographic, or public safety factors; provided, however, that there is a determination by the local governing body of a need to amend the requirements of the state minimum standard code based upon a demonstration by the local governing body that local conditions justify such requirements not less stringent than those specified in the state minimum standard codes for the protection of life and property. All such proposed amendments shall be submitted by the local governing body to the department 60 days prior to the adoption of such amendment. Concurrent with the submission of the proposed amendment to the department, the local governing body shall submit in writing the legislative findings of the governing body and such other documentation as the local governing body deems helpful in justifying the

1 proposed amendment. The department shall review and comment on a proposed  
2 amendment. Such comment shall be in writing and shall be sent to the submitting local  
3 government with a recommendation:

4 (A) That the proposed local amendment should not be adopted, due to the lack of  
5 sufficient evidence to show that such proposed local amendment would be as stringent  
6 as the state minimum standard codes and the lack of sufficient evidence to show that  
7 local climatic, geologic, topographic, or public safety factors require such an  
8 amendment;

9 (B) That the proposed local amendment should be adopted, due to a preponderance of  
10 evidence that such proposed local amendment would be as stringent as the state  
11 minimum standard codes and a preponderance of evidence that the local climatic,  
12 geologic, topographic, or public safety factors require such an amendment; or

13 (C) That the department has no recommendation regarding the adoption or disapproval  
14 of the proposed local amendments, due to the lack of sufficient evidence to show that  
15 such proposed local amendment would or would not be as stringent as the state  
16 minimum standard codes and the lack of sufficient evidence to show that local climatic,  
17 geologic, topographic, or public safety factors require or do not require such an  
18 amendment."

## 19 SECTION 2.

20 Said Code section is further amended by adding a new subsection (e) to read as follows:

21 "(e) The governing authority of any municipality or county in this state is authorized to  
22 provide by ordinance or resolution an exemption from compliance with the provisions  
23 contained in Section 17 of the International Building Code relating to earthquakes. No  
24 such exemption shall be effective until the local governing body has caused a copy of the  
25 adopted ordinance or resolution to be filed with the department. A copy of the adopted  
26 ordinance or resolution shall be deemed to have been filed with the department when it has  
27 been placed in the United States mail, return receipt requested."

## 28 SECTION 3.

29 All laws and parts of laws in conflict with this Act are repealed.